

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAPETER KLEIDMAN,  
Plaintiff,

v.

BERNIE MURPHY, and others,  
Defendants.

Case No. 22-cv-06355-NC

**ORDER TO SHOW CAUSE TO  
PLAINTIFF AS TO WHY THE  
COURT SHOULD NOT  
DISMISS COMPLAINT**

Re: ECF. 1

Plaintiff Peter Kleidman filed this action in federal court on October 21, 2022. Plaintiff invokes federal diversity jurisdiction under 28 U.S.C. § 1332. The Court ORDERS Plaintiff to show cause as to why this matter should not be dismissed for lack of diversity jurisdiction.

Federal courts are courts of limited jurisdiction with subject matter jurisdiction over matters authorized by the Constitution and Congress. *See Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994). Diversity jurisdiction under 28 U.S.C. § 1332(a)(1) requires complete diversity of citizenship and an amount in controversy in excess of \$75,000. Complete diversity of citizenship means that “each of the plaintiffs must be a citizen of a different state than each of the defendants.” *Allstate Ins. Co. v. Hughes*, 358 F.3d 1089, 1095 (9th Cir. 2004). Federal district courts have a duty to raise and determine issues of subject matter jurisdiction *sua sponte*, if at any time it appears that subject matter

jurisdiction may be lacking. *Bank Julius Baer & Co. Ltd v. Wikileaks*, 535 F. Supp. 2d 980, 984 (N.D. Cal. 2008).

Here, Plaintiff bases the Court's jurisdiction on diversity grounds. ECF 1 ¶ 5. However, the description of the parties is incomplete. For example, Plaintiff does not indicate the location of his domicile. Moreover, Defendant Leslie Quist's domicile is also not listed in the Complaint. *See id.* ¶ 2. These discrepancies prevent the Court from assessing whether complete diversity is present between Plaintiff and the various Defendants.

Accordingly, Plaintiff is ORDERED TO SHOW CAUSE as to why this action should not be dismissed for lack of subject matter jurisdiction. Plaintiff must show cause in writing by November 16, 2022. Because Plaintiff is not represented by counsel, he may wish to seek assistance from the Federal Pro Se Program by calling 408-297-1480. Defendants are not required to respond to the Complaint pending disposition of this Order to Show Cause. ECF 4.

**IT IS SO ORDERED.**

Dated: November 2, 2022

  
NATHANAEL M. COUSINS  
United States Magistrate Judge